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New York

President:	Mr. Belkhadem	(Algeria)
Members:	Angola	Mr. Constantino
	Benin	Mr. Zinsou
	Brazil	Mr. Tarrisse da Fontoura
	Chile	Mr. Zalaquett
	China	Mr. Cheng Jingye
	France	Mr. Poirier
	Germany	Mr. Wolter
	Pakistan	Mr. Mahmood
	Philippines	Ms. Banzon
	Romania	Ms. Pana
	Russian Federation	Mr. Nikiforov
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Ms. Howe-Jones
	United States of America	Mr. Olson

Agenda

Protection of civilians in armed conflict

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04-64721 (E)

The meeting resumed at 3.10 p.m.

The President (*spoke in Arabic*): As I said this morning, in accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate their texts in writing and to deliver a condensed version when speaking in the Chamber.

To optimize the use of our time in order to allow as many delegations as possible to take the floor, I will not individually invite speakers to take seats at the Council table. When a speaker is taking the floor, the Conference Officer will seat the next speaker on the list at the Council table.

I call now on the representative of Japan.

Mr. Haraguchi (Japan): Thank you, Mr. President, for convening an open debate on this important issue. I also wish to thank Mr. Egeland for his informative and thoughtful presentation.

The report of the High-level Panel on Threats, Challenges and Change (A/59/565) points out an alarming trend. Despite the decrease in inter-State warfare, internal armed conflicts are breaking out with greater frequency, and more and more civilians are suffering. A civil war caused by ethnic or religious differences almost invariably intensifies hatred between the parties. Civilians are often subjected to relentless attack by combatants, and the number of victims increases steadily. Based on the principal that States have the obligation to ensure the well-being of their populations, the report devotes one chapter to the protection of civilians, pointing out that humanitarian aid is a vital tool for helping Governments fulfil that responsibility, its core purpose being to protect civilian victims, minimize their suffering and keep them alive during the conflict so that when war ends there will still be a will on the part of the people to promptly rebuild their shattered lives, and a basis on which to rebuild them.

We hope that the Security Council will further strengthen the legitimacy and effectiveness of its actions, including its efforts to protect civilians in armed conflict. In order to decide on appropriate actions to be taken, it is extremely important that the Security Council be informed, accurately and in a timely manner, about a situation that is causing concerns over the protection of civilians. In that context, Japan would welcome opportunities to have the Emergency Relief Coordinator, Mr. Egeland, brief the Security Council on an ad hoc basis, whenever the situation requires. Of course, it is also indispensable for the Security Council to listen to the Governments concerned on the protection of civilians and to learn their analysis and what steps they have taken.

The Security Council may also wish to consider using Arria formula meetings where appropriate, taking into account the report of the Panel of Eminent Persons on United Nations-Civil Society Relations (A/58/817), in order to have a broader understanding of a situation. On the other hand, it is true that even in the case of the genocide in Rwanda, in which the Security Council failed to take effective action, information was available that massive killing was under way. The Security Council has a responsibility to respond to situations which pose threats to international peace and security by applying international norms. While recognizing that it cannot resolve all humanitarian crises, the Council should give such crises its full attention and discuss how to respond. Each member of the Security Council should contribute to the international response in one way or another, while bearing in mind the special responsibility it bears.

The 10-point platform of action that Mr. Egeland introduced last year provides a highly suggestive basis for our discussion of the protection of civilians in armed conflict. Due to time constraints, I will limit myself to three points to which Japan attaches particular importance.

The first is on strengthening cooperation with regional organizations. Regional organizations can play an enormously important role in addressing the protection and assistance needs of civilians, for example by helping to improve security conditions and ensure the safety of humanitarian personnel. In Darfur, for example, we are encouraged to hear that the African Union is engaging in efforts to ameliorate the situation. We believe that the United Nations should promote cooperation with regional organizations so that they may fulfil their respective mandates, and we strongly support the Secretary-General's recommendation regarding the establishment of a framework within which the United Nations can engage with regional organizations more systematically

on humanitarian issues, including eventually legal matters, as appropriate.

Japan fully supports the activities conducted by regional organizations to provide assistance and protection to civilians caught amidst conflict. With regard to Darfur, in addition to the contribution of $22 million that we have already disbursed to international organizations for humanitarian assistance, we are further considering cooperating with the African Union.

Secondly, it is vitally important that the security and safety of humanitarian personnel be ensured so that they can respond effectively to the protection and assistance needs of civilians. Japan appreciates the Secretary-General's proposal to reform and strengthen the United Nations security management system and, to that end, supports steps being taken to implement it. At the same time, we consider it important to the success of this reform that the system be established in such a way that the analysis and views of relevant humanitarian organizations on the ground are fully taken into account, as the United Nations system must make difficult decisions in which the protection and assistance needs of civilians are balanced against the risks to the security of humanitarian personnel. Japan therefore believes in cost-sharing, based on the principle of shared responsibility.

Thirdly, special attention should be paid to the protection of the vulnerable, namely women and children. The United Nations should set a good example and urge the parties to armed conflict to follow that example. In that context, we deeply regret the report of the cases of sexual violence by personnel of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), which we understand are now under investigation by the *Department of Peacekeeping Operations*. The result of the investigation must be presented to the Security Council for discussion. Also, Japan believes it is important in any case of sexual violence that those United Nations personnel involved, including Department of Peacekeeping Operations staff, be identified and punished appropriately and that thorough measures be taken to prevent the recurrence of such incidents. United Nations personnel must respect and observe the guidelines contained in the bulletin of the Secretary-General on special measures for protection from sexual exploitation and abuse (ST/SGB/2003/13). We expect that the Secretary-General will consult with countries contributing troops to peacekeeping operations, with a view to formulating similar guidelines for peacekeeping operation personnel and having troop-contributing countries train their troops on that basis.

Despite the steps taken by the Security Council based on the aide-mémoire (S/PRST/2003/24, annex) and Under-Secretary-General Egeland's efforts based on the 10-point platform of action, it remains a huge challenge to protect civilians in armed conflict. While attention to this issue has increased in New York since the Council began addressing it, on the ground it continues to be a deeply serious problem. For its part, Japan believes that further coordination is required among relevant actors on the ground, including the United Nations, regional organizations and non-governmental organizations, with the close cooperation of the Government concerned. The whole point of humanitarian protection and assistance is to alleviate the suffering of civilians in armed conflict. Despite our best efforts, however, after armed conflict breaks out there is a limit to what we can do. We cannot remove the source of the threat to civilians.

Thus, Japan believes that the most effective way to protect civilians in armed conflict is, in the long run, to prevent armed conflict in the first place and to consolidate peace in post-conflict situations so that conflict does not resurface. It is for that reason that my country has been emphasizing the importance of promoting human security, which is the basis of an environment where vulnerable people can become important partners in national rebirth and development by being protected and empowered as members of a community and by overcoming the difficulties of the post-conflict period. Japan expects that the idea of human security will be further mainstreamed in the United Nations and that the Organization will be able to act more effectively to prevent armed conflict and ensure and maintain peace.

The President (*spoke in Arabic*): I now call on the representative of Canada.

Mr. Rock (Canada): Some five years have now passed since the Council adopted resolutions 1265 (1999) and 1296 (2000). That anniversary provides a timely opportunity to assess the effectiveness of the Council's use of the tools that those resolutions put at its disposal in addressing violence against civilians. This is also an opportune moment to discuss further

steps that can be taken to build upon those two milestone resolutions and to render the Council's actions to protect civilians timelier and more effective. Canada is grateful for the opportunity to take part in this discussion. I hope, Mr. President, that you know the depth and sincerity of our commitment to these fundamental issues.

Today, we would like to make observations and suggestions in two directions: looking back and gazing forward. I shall first look back to an assessment of the last five years that shows that significant progress has been made. The Security Council now has in its repertoire a wide range of remedies and a comprehensive framework of resolutions dealing with the protection of civilians and the related issues of children and armed conflict; women and peace and security; and conflict prevention. As a result, there is now increasing acceptance of the need, for example, to structure peace-support operations so that they can respond to a range of protection matters. There is now a preparedness to anticipate the humanitarian impact of sanctions, and there is now a willingness to implement comprehensive field-based protection training initiatives.

Yet, despite that important recent progress, a backward glance also reveals significant shortcomings. We need look no further than Darfur, the Democratic Republic of the Congo and Uganda to see that there is a significant gap between the principles expressed in the thematic resolutions and the practical steps taken by the Council to respond to protection challenges. While the milestone resolutions contemplate early, systematic and bold action, the Council's resolutions are too often ad hoc, seldom timely and rarely proactive. Of course, all the tools and instruments at the Council's disposal are of no value unless the Council can summon the political will to employ them. Effective and timely recourse to the full range of measures available to the Council is essential to ensure the protection of vulnerable populations. Where the complex challenges require th Council's sustained attention over the long term, that attention should be given.

Furthermore, in our respectful view, the Council must be steadfast and consistent in the messages it sends in response to war crimes and crimes against humanity. There must be follow-through when it threatens to impose measures unless conditions are met. In those cases in which measures are imposed, those measures must be monitored. The Council must not tolerate a failure by parties to conflict to comply with its resolutions.

In the case of Darfur, for example, the Secretary-General has provided four reports to the Council. The last three have noted the absence of compliance with its previous resolutions. Most recently, the Secretary-General expressed concern about an upsurge in violence — that despite the fact that all parties to the conflict in Darfur had recently signed on to both humanitarian and security protocols. In the case of Darfur the time is past due for the Council to create a monitoring mechanism for the arms embargo put in place against all non-Government entities and individuals. The time is past due for the Council to consider other targeted measures, including the imposition of asset freezes and travel sanctions against all offending parties to the conflict in Darfur. For it is only by taking steps, monitoring compliance and demonstrating a willingness to take further effective action that the Council will foster the authority and credibility that set it apart as a body of unique stature.

Let me turn briefly to our observations about the future, because occasions such as this provide an opportunity to draw from the experience of the past to plan for more effective responses in the years to come. Canada wishes briefly to highlight six specific areas where we believe the Council's actions on protection issues can be improved.

First, if the Council is to adopt credible and timely preventative measures it must be more proactive in identifying countries at risk of crisis and potential threats to peace that are not yet on the Council's agenda. For that reason, we support the recommendation contained in the report of the Secretary-General's High-Level Panel on Threats, Challenges and Change (A/59/565) to create a peacebuilding commission to identify countries at risk of conflict and instability. We also endorse the need for the United Nations to develop a strong, clear normative framework for dealing with armed non-State actors.

Secondly, we believe that, in order to strengthen the future implementation of the civilian-protection agenda, the Council needs a more systematic assessment of the lessons learned from recent protection mandates in peace-support operations. Canada intends both to work actively with the Office for the Coordination of Humanitarian Affairs (OCHA)

and to invite Council members in the course of coming months to participate in a series of workshops to support the development of such assessments.

Thirdly, we suggest putting in place better defined trigger mechanisms for Council action to ensure it responds immediately when civilians are directly targeted, when humanitarian aid is deliberately obstructed and where gross violations of human rights and international humanitarian law occur with impunity. That is, after all, what the Council committed itself to do in resolution 1265 (1999). We therefore welcome the High-Level Panel's endorsement of the collective international responsibility to protect, as well as its conclusion that the proper authority to approve action in such cases is the Council. The report outlines basic criteria for the authorization of the use of force, providing elements of a critical framework for Council action. Canada believes that the Council should review those criteria with a view to adopting them.

Fourthly, in cases where sanctions are imposed, we believe that the Council must continue to strengthen its enforcement and monitoring mechanisms for arms embargoes and other targeted sanctions. It should also endorse the guidelines developed by OCHA on the humanitarian impact of sanctions. We have learned valuable lessons in Iraq, Liberia and Afghanistan about how to effectively implement targeted sanctions. We believe that the guidelines reflect those lessons and that they will ensure a rapid and appropriate needs assessment by humanitarian staff to assist Security Council actions.

Fifthly, the Council has taken important steps with respect to the illicit exploitation of natural resources, including commissioning panels of experts and imposing targeted sanctions. The link between the illicit exploitation of natural resources and the intensity and persistence of armed conflicts is clear, as are the horrific implications for the safety of civilians. Here again, Canada believes that effective responses require the Security Council to be more proactive — for example, by adopting a systematic approach to addressing the range of natural resources known to be linked to armed conflict. We urge the Council to formalize the expert panel mechanism and to press for the genuine enforcement of targeted sanctions regimes through national enforcement mechanisms.

Sixthly and finally, we suggest that the capacity of United Nations country teams to lead and coordinate on protection issues must be strengthened. That is a key core weakness that must be urgently addressed if we are to be successful in respecting the rights and enhancing the safety of civilians whose lives are affected daily by conflict. When required, the Council must also be ready to provide effective political backing for United Nations teams in their dealings with Governments and non-State actors. In that regard, the work being done by the working group on protection in northern Darfur is a good model of collaboration, and it should be replicated in other similar contexts.

(*spoke in French*)

We have come a long way in the last few years. Five years ago, Security Council resolutions still focused on protecting convoys rather than people. That has changed. Now we must take this initiative to the next level, building on the progress that has been made. Our success is best measured by the number of lives saved, the number of displacements averted, and in the mitigation or reduction of conflicts. Canada intends to actively seek to fill the gaps that have been identified.

(*spoke in English*)

We look forward to the next report of the Secretary-General, which, we hope, will report further progress and which can once again be used as the basis from which to take stock and for measuring progress towards improving our collective ability to protect the world's most vulnerable, so that we might live up to the inspiring words of the very resolutions whose anniversary we observe today.

Mr. Hamburger (Netherlands): I have the honour to take the floor on behalf of the European Union. The candidate countries Bulgaria, Romania, Turkey and Croatia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Serbia and Montenegro, and the European Free Trade Association countries Iceland and Norway, members of the European Economic Area, align themselves with this statement.

The European Union wishes to express its appreciation for the opportunity that you have offered, Mr. President, to discuss the protection of civilians in armed conflict, a theme that is at the core of the work

of the Security Council. We also would like to thank Mr. Egeland for his presentation this morning.

The European Union favours a continued debate on the complex challenges we are facing. We welcome the report of the High-level Panel on Threats, Challenges and Change, which also addresses the importance of the protection of civilians in armed conflict and provides another excellent opportunity to intensify United Nations cooperation on that issue.

Today, the European Union reiterates to the Security Council its commitment to enhancing the protection of civilians in armed conflict and to the Secretary-General's ten-point platform for action. The European Union calls upon all States, as well as non-governmental organizations and international organizations, to consider that ten-point platform in their efforts to protect civilians in armed conflict.

In general, we underline the fundamental importance of international humanitarian law and the need for all parties to fully respect their obligations thereunder. We also call upon all concerned to support neutral, impartial and independent humanitarian action. We value the important work of the Red Cross movement, especially the International Committee of the Red Cross, in this regard.

Among civilians, who are the principal victims of armed conflict, refugees and internally displaced persons (IDPs) require the international community's special attention when it comes to protection. Although we are still far from solving the protection problems of refugee populations, we have succeeded in defining who should take up the responsibility for those populations: the High Commissioner for Refugees. When it comes to IDPs, of which there are many more, there is no such clear defining of roles.

The European Union welcomes the collaborative approach of the United Nations when it comes to supporting and protecting IDPs. It sees the collaborative approach as the best way forward and supports the steps recently taken by Under-Secretary-General Egeland to strengthen inter-agency collaboration. However, in the case of one of the worst crises of the moment — Darfur — implementation of the collaborative approach has been far from perfect, especially in its initial phase. The European Union strongly supports the efforts of the United Nations to bring about a genuine collaborative strategy in Darfur and hopes we will all learn from the recent experiences.

In that context, the European Union would like to commend the African Union for its proactive and positive role. Enhancing its presence may contribute significantly to the protection of civilians.

The European Union is especially concerned about the vulnerable position of women and children in armed conflict. Violence against women and girls, including rape and sexual slavery, is often used as a weapon of war in order to dehumanize women, or the community they belong to. The European Union condemns such practices in the strongest terms. Under all circumstances States must take all necessary measures to protect women and girls from violence and to promote the full enjoyment of their human rights. Security Council resolution 1325 (2000), on women, peace and security, provides important recommendations for the protection of women. The recommendations of that resolution should be fully implemented.

The European Union welcomes the efforts undertaken by the United Nations to mainstream the focus on the issue of the protection of children in armed conflict throughout its system. In that regard, the European Union notes the recent comprehensive assessment by the Secretary-General of the United Nations system's response to children affected by armed conflict. The European Union looks forward to the early implementation of the recommendations contained in that report.

The European Union stresses the need to pay special attention to the position and needs of children, including non-combatants and girls, in peace negotiations, in mandates of peace support operations and in disarmament, demobilization, reintegration and resettlement programmes. The recruitment and use of children by armed forces must be in strict conformity with the Optional Protocol to the Convention on the Rights of the Child. For its part, the European Union adopted guidelines on children and armed conflict in 2003. It also has a plan of action for concrete initiatives in Burundi, Rwanda, Uganda, the Sudan, Liberia, Côte d'Ivoire, Sierra Leone, Colombia and Sri Lanka.

The European Union welcomes the Security Council's stronger focus on protection in many of the peacekeeping mandates, as well as the recognition of

the role that regional organizations can play in that context. The European Union stresses the importance of providing enough resources and personnel to support such operations.

The European Union welcomes the appointment by the Secretary-General of a Special Adviser on the Prevention of Genocide to serve as an early warning instrument, and looks forward to the establishment of close and regular relations between the Special Adviser and the Security Council, the General Assembly and the United Nations Commission on Human Rights.

Humanitarian catastrophes should be prevented through early collective action by the international community. The European Union underlines the importance of mechanisms for the identification of situations of potential instability and the creation of instruments to prevent great human suffering, such as the early appointment of human rights monitors.

The European Union believes that in a national reconciliation process, various justice mechanisms may play a role. At the same time we would like to emphasize that there can be no impunity for the most serious international crimes, including systematic sexual and gender-based violence. The fight against impunity in post-conflict societies with small capacity for the administration of justice can be won only with international support. In that respect, the European Union welcomes the fact that the Prosecutor of the International Criminal Court determined that there is a rational basis to commence an investigation into crimes allegedly committed in the territory of the Democratic Republic of the Congo and Uganda.

The European Union also welcomes the relationship agreement between the United Nations and the International Criminal Court which hopefully may lead to effective cooperation. Furthermore, the European Union recalls that the Security Council is empowered to refer situations to the Court, even in cases where countries are not States party to the Statute of the Court. The European Union calls upon all States of the United Nations that have not yet done so to ratify the Rome Statute at the earliest possible opportunity and to take all appropriate measures to implement that treaty fully within their national systems.

Allow me to conclude with the assurance by the European Union of its commitment to the protection of civilians in armed conflict. We stand ready to assist the Council and the United Nations system in ensuring this goal.

Mr. Aboul Atta (Egypt) (*spoke in Arabic*): Mr. President, my delegation is pleased to see you preside over the Security Council for this month, in particular at this meeting. We are proud of you and the delegation of Algeria for the skilful and able manner in which you are managing the work of the Council this month.

There is no doubt that the Security Council, in continuing to address the issue of the protection of civilians in armed conflict, reflects the recognition by the United Nations that the performance of the international community in this area still needs more commitment, political will and diligent collective effort.

The discussion of this issue this year coincides with the issuance of the report of the High-level Panel on Threats, Challenges and Change relating to international peace and security and methods of reform. The report deals with the issue of the protection of civilians from the perspective of United Nations humanitarian operations in areas of conflict as one of the cornerstones of the role of the United Nations within the framework of collective security. My delegation would like to deal with some of the factors that, in our view, show the importance of this issue.

First, during the past few years, the Security Council defined, in many of its resolutions and presidential statements, the factors related to, and the requirements for dealing with, the protection of civilians in accordance with the provisions of international law, humanitarian international law and the principles of the United Nations Charter. Yet we note that the hotbeds of armed conflict in the world today are cause for concern, owing to the increase in the number of crimes and violations of civilians' rights, in the number of displaced persons, in acts of destruction and in the plundering of natural resources and cultural heritage. This reflects the continued failure of the international community to effectively and decisively confront violations that have been banned under international humanitarian law. The mass media have conveyed the suffering of civilians in Palestine, in Iraq, in Darfur in the Sudan, in the Democratic Republic of the Congo, in Somalia, in Burundi and in Guinea-Bissau, among other States and

regions. These regions have all witnessed waves of violence to which the international community has not responded in a manner commensurate with the human suffering caused by those conflicts or by harsh natural phenomena. Therefore, the most serious problem today is the lack of collective international determination and will manifested by the United Nations in dealing with the parts of the world affected most seriously by armed conflicts and the implications of this for civilian life. My delegation would like to say that the media emphasis on the human tragedy in Darfur was not commensurate with the repeated calls by the United Nations to provide emergency humanitarian assistance to hundreds of thousands of the victims. We maintain that humanitarian concerns should take precedence over political expediency in dealing with the protection of civilians.

Secondly, we recognize the improvements and developments in United Nations peacekeeping operations, expanding the scope of their mandates to include multiple aspects, including the protection of civilians in armed conflicts, by safeguarding the access of humanitarian assistance to the majority of them, and the deployment of the civilian components in such operations. However, we must admit that the procedures for the establishment and deployment of personnel in these operations have seen varying levels of commitment and dedication, depending on the situation. The Council should, therefore, give adequate attention to formulating a detailed vision for implementing the ten points submitted by the Secretary-General. These ten points should be the key factors used by the international community in dealing with the humanitarian crisis in all regions afflicted by such tragedies. This would constitute only the beginning of efforts to redress the shortcomings of the international community's approach to dealing with the threats to international peace and security and to providing real protection to civilians in areas under foreign occupation or in armed conflict situations.

Thirdly, it is important to recognize that the concept of protecting civilians in armed conflicts does not end with the cessation of military operations; it continues after the war, and includes all humanitarian, development and social aspects related to rehabilitation and reconstruction. Armed conflicts affect social and economic infrastructures, and this constitutes a grave threat to the lives and future of civilians, since peace itself, in its political and security aspects, is threatened, if its not supported by comprehensive and focused programmes and development plans. In this context, Egypt intends to subscribe fully to the proposals contained in the report of the High-level Panel, including the proposals regarding the coordination and financing of such programmes by the United Nations and by the donors community.

Fourthly, the protection of civilians in armed conflict should not occur at the expense of the principles of the United Nations Charter, which emphasizes the principles of political independence and the sovereignty of countries, as well as their responsibilities towards their populations and authority over their territory. This balance between the protection of civilians and sovereignty is indeed necessary in order to protect the structure of the international order and to avoid using humanitarian suffering for political or ideological objectives with resulting chaos and increased tragedies. In this regard, the international community, in dealing with the issue of the protection of civilians, should abide by the purposes and principles of the United Nations Charter and the provisions of international law, principles that should be the basis for any development of the concept of collective security.

The President (*spoke in Arabic*): I thank the representative of Egypt for his kind words addressed to me.

I now call on the representative of Switzerland.

Mr. Maurer (Switzerland) (*spoke in French*): Mr. President, Switzerland thanks you for this debate, and we thank the Under-Secretary-General for Humanitarian Affairs for the frank briefing that he presented to the Security Council this morning. We welcome the efforts of the Office for the Coordination of Humanitarian Affairs (OCHA) to strengthen international action in the ten priority areas the Under-Secretary-General described. I take the opportunity presented by this debate to state Switzerland's position on some current challenges.

First, concerning the strategy to be pursued in order to ensure the protection of civilians in armed conflicts, my country advocates an approach based on respect for international law. Existing laws must be respected in all circumstances. They form an adequate basis for facing most current challenges. It is true that certain contemporary conflicts have created new threats to civilians, and that these threats must be

addressed through the development of new policies or strategies of protection. However, such strategies should be defined in such a way as not to erode existing laws. On the contrary, they must contribute to the strengthening of law by gradually raising the minimum level of protection required.

Secondly, Switzerland stresses in this context the importance of fighting impunity, at both the national and the international levels. As long as impunity remains endemic, the protection of civilians in armed conflict remains precarious. Switzerland recalls the proposals to combat impunity made in the last report of the United Nations Secretary-General on the protection of civilians (S/2004/431). We also invite the Security Council to stand ready to use the authority it has under the Rome Statute of the International Criminal Court to refer cases to the International Criminal Court.

Thirdly, Switzerland considers sanctions to be an essential tool for responding to certain threats to international peace and security. In recent years, significant progress has been achieved in defining sanctions that are more effectively targeted, thus minimizing their negative impact on civilian populations. However, further efforts are still required. The United Nations Office for the Coordination of Humanitarian Affairs has developed a methodology for evaluating the humanitarian impact of sanctions and recently published a manual on that subject. Switzerland and Canada jointly contributed to the development of that methodology. Switzerland invites the Security Council to make use of that very useful instrument for evaluating the impact of sanctions and improving them.

Fourthly, internally displaced persons are a category of the civilian population that is particularly exposed to the agonies of war. The protection of such persons must be a priority for the countries concerned and for the international community. Switzerland welcomes the recent efforts of the Emergency Relief Coordinator to improve the quality of the response by humanitarian organizations on the ground to the needs of displaced persons. We also welcome the appointment of a new Representative of the Secretary-General on the human rights of internally displaced persons. We invite the members of the Security Council to support him in accomplishing his mandate.

Fifthly, one of the current challenges is persuading non-State armed groups — which are essential actors in contemporary internal conflicts — to comply with their obligation to respect humanitarian law and to shoulder their responsibilities in the protection of civilian populations. Switzerland recently held an international workshop aimed at identifying means to improve the involvement of non-State actors in the banning of anti-personnel mines. Several practical methods have been identified. We intend to maintain our strong commitment to that important area.

Finally, in order to develop a comprehensive strategy, we should also take into account the role of the private sector in conflicts. We are of the view that, although voluntary action and self-regulation have had positive effects in recent years, clear rules regarding the responsibility of the private sector should nevertheless be established. Such rules should be specific and based on a broad consensus. Thus, we are of the view that a more active policy, aimed at a more sensitive approach to conflicts, should be developed by the Security Council.

The President (*spoke in Arabic*): I now call on the representative of Bangladesh.

Mr. Chowdhury (Bangladesh): Algeria's skilful leadership of the Council this month has been truly praiseworthy, and we congratulate the delegation of that country — especially my friend Ambassador Abdallah Baali and yourself, Mr. Foreign Minister — on that account. We commend your choice of a topic of critical urgency. We also commend Mr. Jan Egeland for his report.

The genocide that took place in Rwanda some 10 years ago stirred our conscience: it reminded us of our obligation towards civilian victims of armed conflict. Several conflicts still rage — many of them severely — in many parts of the world. Some have transformed into delicate situations of transition. It is regrettable that civilians continue to be subjected to extreme violence and that they are denied access to essential humanitarian assistance. The erosion of social support structures and the culture of impunity have led to the spread of such violence. Sexual violence against women and girls is being used as a means of warfare in some countries.

New dynamics are being created by the cross-border and regional dimension of some conflicts. These require us to adopt a regional and comprehensive approach. In that respect, Bangladesh welcomes the increasing role of regional organizations, particularly

the African Union and the Economic Community of West African States. There is a broad consensus on the need to strengthen the process of disarmament, demobilization, reintegration and rehabilitation (DDRR) in areas of conflict. We need to adopt a regional approach to DDRR programmes in view of the cross-border movement of refugees, combatants and small arms. Such programmes need secure and adequate funding to deter the recurrence of violence.

Recent events in Côte d'Ivoire have once again brought to the fore the need for clearer and more robust mandates for peacekeeping operations. Bangladesh, as one of the largest contributors to peacekeeping operations, would support enhanced robustness for such mandates, assuming that it is matched by adequate resources. Security Council resolution 1296 (2000) broadened the mandate of peacekeeping operations to include the physical protection of civilians under imminent threat of violence. We are uncertain, however, whether that expanded mandate has always been matched by resources, particularly in terms of the number of personnel.

We are concerned that the security constraints on humanitarian assistance for 3.5 million civilians in the occupied Palestinian territories have worsened following the construction of a barrier through the West Bank. The wall is having a profound humanitarian impact on civilians by separating Palestinian communities from their land, their jobs and their businesses, and it is severely restricting their access to food, water, schools and hospitals.

Bangladesh believes that the allegations of sexual exploitation and abuse of women and children by United Nations personnel need to be addressed urgently and in a manner that is rigorous, fair and transparent. This is an area that we cannot afford to neglect if we are to maintain the Organization's profile and image at a high level. We also underscore the need to improve the safety and security of humanitarian personnel.

It is essential that the international community remain engaged in order to ensure that civilians caught in armed conflict are physically protected, that humanitarian assistance reaches them unhindered and that, when peace is achieved, they are not deprived of the dividends. We also need to address the issue systematically, as outlined in the 10-point programme.

We are encouraged at the determination of the Council to deter war crimes, crimes against humanity and genocide. We see the need to break the prevalent culture of impunity. The establishment of international tribunals is a step in the right direction. The international community must pool its efforts to ensure that those responsible for war crimes, crimes against humanity and genocide do not escape justice. That is all the more important if we wish to avoid another Rwanda. Adherence to and respect for the Geneva Conventions and other instruments of international humanitarian and human rights law are crucial. We are also required to find a balance — specific to each circumstance — between the delivery of justice and the national reconciliation process in post-conflict societies. We cannot, however, allow impunity to prevail. We need the peace to be sustainable; otherwise, the society will inexorably slide back into conflict.

One other area that we need to examine is the peace process itself. It must address concerns about the protection of civilians in order to be sustainable. In addition to addressing security and political developments, a peace process negotiation should include commitments by all parties to the conflict to cease attacks on civilians, to facilitate humanitarian access, to create conditions conducive to the safe and sustainable return of refugees and internally displaced persons, to ensure the safety of humanitarian personnel and to actively participate in DDRR programmes. We are heartened by the increased coordination between the military and civilian components of peacekeeping missions, including the Office of the United Nations High Commissioner for Refugees and UNICEF. That has resulted in accelerated reintegration of child soldiers and mine action programmes in post-conflict societies.

Bangladesh has always favoured a multilateral approach to the maintenance of international peace and security. We are committed to the principles of international law, based on justice, the peaceful settlement of disputes and respect for human dignity. We share those values with the rest of the international community. It is only through the consistent and effective application of those principles that the United Nations can attain the moral authority and credibility that will help to make the world a safer place. That would surely redound to the benefit of us all.

The President (*spoke in Arabic*): I now call on the representative of Costa Rica.

Mrs. Chassoul (Costa Rica) (*spoke in Spanish*): Permit me at the outset to congratulate you, Mr. President, on having convened this debate on the protection of civilians in armed conflict. The protection of civilians is essentially the raison d'être of the Organization and of its efforts to preserve international peace and security. I should also like to thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his valuable briefing at the beginning of this debate.

Each and every one of us is being targeted. In 2001 alone, more than 16 billion units of ammunition were manufactured — that is more than 2 bullets for each person on the planet. Every minute of every day, a person is killed. To massacres and extrajudicial killings, we must add sexual slavery, forced disappearances, recruitment of minors, deportation or transfer of populations, torture, rape and mutilation.

Frequently, those crimes are part of a policy of genocide or a campaign of systematic violation of fundamental rights. Military operations frequently produce excessive collateral damage, including the bombing of defenceless towns, cities, hospitals and schools. We cannot forget the pictures of mutilated children in Liberia and Sierra Leone, the bombed towns in the Sudan and the extermination in Rwanda and Burundi. Nor can we forget the refugee camps in the Democratic Republic of the Congo or the destruction in Haiti. In those cases, it was the civilians who paid. And they continue to pay the price of armed conflict with their blood. In all those cases, the action of the international community was weak, tardy and insufficient.

The Security Council must take more decisive action to prevent armed conflicts and resolve conflicts rapidly and peacefully. The Council must seriously consider how to set up the machinery for rapid action, and the Secretariat must set up an effective early-warning system. Today's humanitarian crises could have been averted if the Council had been warned in time and if it had had the necessary political will.

Likewise, it is indispensable for the Security Council and the United Nations as a whole, to implement the 10-point platform of action to protect civilians as presented by Mr. Egeland a year ago. In particular, it is indispensable to guarantee continuous humanitarian access to the most needy and vulnerable civilians. It is scandalous that, in this day and age, humanitarian personnel do not have access to more than 10 million people who urgently need basic foodstuffs, water, housing and vital medical care. It is also worrisome that in some 20 armed conflicts humanitarian access is denied or hampered to the neediest civilians. In that context, the United Nations and influential countries must urge parties to conflicts to permit humanitarian access. The Security Council should, if necessary, adopt compulsory measures within its powers to facilitate the distribution of such assistance.

We think it is necessary to create a mechanism to keep forgotten crises on the political agenda of the international community, donor countries and the Security Council: crises that fail to attract the attention of Governments or of the international press. The Security Council should request that the Secretariat provide monthly reports on the humanitarian needs of populations that are victims of armed conflict. Such reports must be specific, identifying real needs and flagging priorities; they must be comprehensive, covering all armed conflicts afflicting the world, even when they have not formally appeared on the agenda of the Security Council.

Moreover, the international community must respond more effectively to the needs of refugees and internally displaced persons. It is not enough to meet the basic physical needs of refugees. Their safety and security must also be guaranteed. It is vital to ensure that refugee camps are not infiltrated by armed groups trying to recruit, politicize or militarize refugees. The presence of such groups not only diverts assistance intended for legitimate refugees, but also increases the risk of refugee camps becoming targets of armed attack.

We believe that it is necessary to pay particular attention to child victims of armed conflicts, particularly child soldiers and children who have been victims of sexual violence. The reintegration, rehabilitation and education of minors is, in the long term, the best way to break the cycle of violence. Similarly, greater emphasis should be put on the disarmament, demobilization, rehabilitation and reintegration of combatants.

At the same time, we must respect the impartiality and independence of humanitarian

personnel with a view to guaranteeing their safety and security. In fact, once the parties, rightly or wrongly, perceive humanitarian workers, or the Organization as a whole, as having taken sides, the safety of those workers is imperiled. In that connection, we believe that all humanitarian staff should follow the wise example of the International Committee of the Red Cross.

Internationally, it is necessary to do away with impunity. Any attack against or clash with civilians constitutes a serious violation of international humanitarian law and is a war crime under customary international law and the Rome Statute of the International Criminal Court. Such criminal acts must be investigated and punished by the competent authorities. In that connection, we should emphasize the constructive role that the International Criminal Court can play. Similarly, it is necessary for parties to conflicts to strictly observe the provisions of the Geneva Conventions, their Additional Protocols and the 1951 Convention relating to the Status of Refugees. Even more important, it is necessary to do away with trafficking in small arms and light weapons to groups or States in conflict. Such weapons and ammunition fuel armed conflict. We therefore think it is necessary to adopt a binding international instrument prohibiting the transfer of weapons to any non-State armed group or to any State which is violating human rights or international humanitarian law.

United Nations personnel must take the lead in providing humanitarian assistance. We must recognize the heroic work of the many Blue Helmets and civilian staff who are making extraordinary efforts to help civilian populations. However, we must express our serious concern about the worrisome accusations of sexual exploitation and abuse of women and children by staff affiliated with the United Nations. Unfortunately, if we are to believe the press reports, such criminal acts are occurring with increasing frequency in various peacekeeping operations, involve a large number of staff and military personnel and are truly becoming a systemic problem. If the accusations are true, the United Nations is losing its ability to serve and protect societies destroyed by war. Such grotesque acts, which are true crimes against humanity, fly in the face of the basic principals of our Organization and call for immediate action by Member States.

We urge the Secretary-General to pursue and expand the investigations under way on sexual abuses in the field. We believe that the Organization must set an example in combating impunity, and that it is imperative that the Secretary-General make public the results of the investigations. Unfortunately, the rules of confidentiality currently included in the Secretary-General's 9 October 2003 bulletin on sexual exploitation (ST/SGB/2003/13) create an atmosphere of impunity.

If there is evidence of criminal conduct, the staff involved must immediately be separated from service and all evidence must be made available to the competent authorities so that they can begin appropriate criminal proceedings with a view to facilitating criminal investigations. So far as possible, the individuals involved should be subject to the jurisdiction of the territory in which the events occurred, or to that of the victim's home country. In no case should accused be permitted to use their official status in order to avoid justice, and the Organization should strip them of any immunity they may enjoy because of their status.

When the accused have been transferred to their country of origin, the evidence should be provided to all States that have jurisdiction so that they may commence procedures to extradite. Troop-contributing countries must comply in prosecuting or extraditing any of their military staff who are accused of such criminal activity. The Security Council can assist in this connection by including the norm of *aut dedere aut judicare* in all of its resolutions that establish peacekeeping operations. When the International Criminal Court has jurisdiction, the evidence should be transmitted to its Prosecutor.

All of this must be carried out with the greatest amount of transparency possible with a view to preserving the good reputation of the Organization and avoiding impunity. In short, we believe that it is indispensable for the Secretary-General to give a thorough revision of the norms that currently are governing the investigation of cases of sexual exploitation perpetrated by staff of the United Nations and associated staff.

Protection of civilians in armed conflict is the most important activity that the United Nations can carry out. Unfortunately, as has been indicated by the High-level Panel on Threats, Challenges and Change, this Security Council has not shown itself to be willing or able to protect civilians effectively. This is why we

join in the appeal that the High-level Panel addressed to the Council to commit itself to protecting civilians.

Mr. De Rivero (Peru) (*spoke in Spanish*): The delegation of Peru would like to congratulate you, Sir, as you preside over the Security Council, for having convened this debate on the protection of civilians in armed conflict.

First, my delegation considers that, under international law, the primary responsibility of protecting civilians lies with the belligerents, whether they be States or armed groups. Any violation of international law, particularly the Convention on the Prevention and Punishment of the Crime of Genocide, and the Geneva Conventions, should receive a strong and immediate response from the Security Council.

My delegation supports the recommendations of the High-level Panel on Threats, Challenges and Change that in order to protect civilians, all Member States of the United Nations must, at the very least, sign, ratify and, above all, implement the humanitarian conventions, particularly the Geneva Conventions, and the Convention on the Prevention and Punishment of the Crime of Genocide.

If it is seen that human rights are not being defended under those conventions in any struggle in which there are new global threats to international peace and security, such as terrorism and transnational crimes, not only will we be weakening the ethical norms upon which civilized life is founded, but the struggle against these new threats of the twenty-first century will lose all legitimacy.

It serves no purpose to ratify humanitarian conventions to protect civilians if peacekeeping capacity is weakened, as it is now, by difficulties in recruiting and by the lack of effectiveness on the part of the recruited troops.

This is why the Security Council should endorse the recommendations of the High-level Panel that call upon the countries that have the greatest military capabilities to make available to the United Nations autonomous stand-by battalions that are highly trained and self-sufficient; such stand-by units could be as big as a brigade.

If we do not improve both the quantity and the quality of the United Nations troops, we will be unable to protect civilians, unless the Organization were, hypothetically, ready to take the absurd step of contracting private military firms, which have no obligations under international humanitarian law and today provide a mercenary alternative to the armed forces of States.

Another fact that should be considered, if, in fact, we do want to protect civilians, is the increasingly casual use in some strategic circles of the concept of "collateral damage". In many cases, this concept is a euphemism used to refer to the many civilians who are going to die, or have already died, in order to justify military objectives.

If the United Nations does not react against this concept of collateral damage, it will be following the military logic of the belligerents that accepts the inevitablity of injury to civilians as a principle. If we intend to protect civilians, this line of reasoning cannot be accepted by the United Nations. One of the primary tasks of the Security Council must be to investigate the loss of civilian life in conflicts by sending special missions. This is the only way that one can find out whether the belligerents have complied with humanitarian conventions or not.

The ability of the United Nations to protect civilians and put an end to conflict is also related to the protection of United Nations personnel.

My delegation, again, agrees with the recommendations of the High-level Panel that the security of United Nations staff in the field must be strengthened by creating a Security Directorate that should be given all due priority to help the Secretary-General implement a new security system for staff next year.

However, when I address this point, I feel obliged, like others, to refer to cases in which there has been a lack of respect and protection of civilians on the part of United Nations staff in peacekeeping operations. It is lamentable that there have been accusations against elements in the United Nations Organization Mission in the Democratic Republic of the Congo. I can remember that, many years ago, there were questionable events in Cambodia as well. It is necessary to investigate these alleged abuses fully and inform Member States of the investigations under way and action that is taken in that regard, with a view to ensuring that the United Nations does not give a picture of impunity.

Finally, we must acknowledge the fact that, in order to consolidate the protection of civilians after the conflict has come to an end, determined action must be taken to build a new State that can assume responsibility for protecting its citizens. Otherwise, we will only be incubating a new conflict situation, as a result of the weak institutions that never were able to protect its own citizens.

The President (*spoke in Arabic*): I now call on the representative of Nigeria.

Mr. Wali (Nigeria): I would like to congratulate the Algerian delegation for its handling of the current month's presidency of the Council and to thank the Algerian Minister for Foreign Affairs and the Permanent Representative for initiating our debate on this all-important issue.

My delegation welcomes the debate on this important issue of protection of civilians in armed conflict, especially at a time of escalating conflicts around the world. We welcome the comprehensive report of the Under-Secretary-General for Humanitarian Affairs on an enhanced monitoring and reporting framework for the protection of civilians in armed conflict.

In spite of internationally acknowledged conventions and protocols that guarantee the safety and protection of non-combatants, civilians are increasingly the first casualties during armed conflicts. It is, therefore, the belief of my delegation that this open debate will help the international community to refocus its attention on the urgent task of protecting and safeguarding civilians wherever conflicts erupt. We should examine the mechanisms and frameworks for the protection of civilians in armed conflict, with a view to strengthening them in the light of recent lapses and abuses.

The African continent has the unenviable record of playing host to the highest number of conflicts today. These conflicts, many of which are internal, have adversely affected the social, cultural and economic lives of millions of people, especially the aged, women, children and youth — people who are neither combatants nor parties to the conflict. The impunity of parties to conflicts to seize upon unarmed civilians and to mete out collective punishment to harmless populations continues to be of serious concern to my delegation. Civilians are all too often caught up in the struggle for power and control of resources, thus becoming pawns in a deadly game that has neither rules nor respect for the dignity of persons.

Nigeria believes, however, that the first step in protecting civilians in armed conflict is the prevention of conflicts. In this regard, Nigeria has intensified efforts to find lasting solutions to conflict situations in the West African subregion, in particular, and across Africa in general, including the Great Lakes region and the Sudan. President Obasanjo has, since coming to office in 1999, committed himself to a peaceful resolution of conflicts in Africa, mindful of the disruptive nature of conflicts, not only to the immediate communities in which they occur, but also to surrounding States, and their potential for depriving the continent of the capacity to achieve the Millennium Development Goals. No meaningful development can take place in an atmosphere of insecurity and chaos. It is for this reason that my delegation calls on the international community to redouble its efforts towards the resolution of the diverse conflicts now raging in Africa and to assist countries emerging from conflict to rebuild their shattered economies and infrastructure.

For its part, the African Union has increased its capacity to forestall and resolve armed conflicts, and to protect civilians in armed conflict through its Peace and Security Council. What is required of the international community is a firm commitment to assist the African Union and other regional organizations to strengthen their capacities to contain armed conflicts, in particular through provision of essential logistical support. In this regard, we welcome the recent extension of logistical support from the United States and the European Union for the African Union's peacekeeping operations in the Darfur region of the Sudan.

Nigeria believes that an essential aspect of prevention of armed conflicts must include the strengthening of the rule of law, and within that, the protection of civilians through constitutional, legislative, judicial and electoral reform. The alarming increase of civilians caught up in armed conflict is cause for serious concern to the international community. Many have been killed or subjected to extreme human rights violations, including rape and sexual violence. Civilians have been displaced from their ancestral homes and left to struggle for existence in hostile and often unfamiliar territories. The international community must rise with one voice against the perpetrators of those despicable acts against

innocent civilians. We should collectively express our resolve to punish those responsible for deliberate acts of violence and punishment against civilians in the name of war.

My delegation is concerned by the diminishing line between civilians and combatants in many conflict situations around the world. Combatants often live or seek shelter in villages and sometimes use civilians, including women and children, as human shields. This unfortunate development provides an excuse for meting out collective punishment to innocent civilians, including the systematic destruction of whole communities and their means of survival. Accordingly, Nigeria calls for the strengthening of mechanisms for monitoring the conduct of parties to conflicts.

It is gratifying to note that, during the past decade, the international legal framework has been expanded to address some of the particular crimes against civilians in armed conflict, especially in relation to the most vulnerable members of the society — that is, women, children and the aged. The expansion of the scope and definition of war crimes and crimes against humanity to include rape, enforced prostitution, trafficking and enslavement, as well as torture, has resulted in an increase in the number of persons brought before the International Tribunals for acts committed against civilians in the course of armed conflicts.

There should be continued efforts to mainstream civilian protection into United Nations, regional and national peacekeeping operations. More importantly, however, my delegation believes that the best way of protecting and safeguarding civilians in armed conflicts is to tackle the root causes of these conflicts in an open and inclusive manner, and to respect the cultural, historical and spiritual diversity of peoples. Furthermore, my delegation is convinced that a fair distribution of infrastructure and an even pattern of development are critical elements that could reduce the necessity to resort to war as a means of redressing perceived injustices and marginalization.

Thus, my delegation calls for a two-pronged approach to the issue of protecting civilians in armed conflict. The first is to encourage the spirit of compromise, fairness and even-handed development that would greatly reduce or remove the need for war. The second and complementary approach would be to stand firm against violators of the rights of civilians in armed conflict, through the strengthening of legal frameworks and mechanisms for monitoring and reporting attacks against civilians, by State and non-State actors, in a transparent and non-selective way, and to bring such perpetrators to justice.

The President (*spoke in Arabic*): I now call on the representative of Kenya.

Ms. Bahemuka (Kenya): My delegation would like to thank Algeria for organizing this very important debate. We thank you, in particular, Mr. President, for having found time to come and chair this very important debate for us. At the very outset, Kenya would like to acknowledge with appreciation the work and the brief presented to us by Mr. Egeland, Under-Secretary-General for Humanitarian Affairs, and other reports that have been made available to us, including the recent report of the High-level Panel on Threats, Challenges and Change.

While we recognize that international humanitarian law sets universally acceptable standards for the protection of civilians in armed conflict, the world has witnessed violent conflicts that have claimed the lives of millions of civilians and have left tens of millions of people permanently displaced. Victims have been expelled from their homes and have often been denied access to life-saving food, medicine and shelter. Grave violations of international humanitarian and human rights law and blatant disrespect for humanity have been witnessed.

The nature of conflict itself has also changed from the inter-State wars common earlier to internal conflicts and even terrorism. It is now very common to find situations where civilians have taken up arms against established Governments. Combatants now depend for survival on the support of civilian non-combatants. That creates a very complex scenario for the parties in conflict. We are seeing armed groups that do not have standard command and control functions, that do not operate under standard military rules or procedures and that often use child soldiers, who are abducted to fight wars or who are kept on drugs.

Those complexities not withstanding, the onus is still on the international community to uphold and enforce international humanitarian law to stop the suffering of civilians during conflicts. The issue of impunity should be addressed, and all actors — whether Government actors or rebels — must be made to understand that the international community will

hold them responsible for any act in violation of international humanitarian law. We concur with the view of Mr. Egeland with respect to the International Criminal Court and the role it can play in addressing the issue of impunity. We appeal for further discourse by Member States on this matter with a view to reaching consensus.

On the other hand, the international community, led by the Security Council, must develop strategies to engage more persistently with regard to conflicts in order to help protect civilians in neglected crises. All possible tools must be made available, including intense diplomacy, support for the negotiation of access for humanitarian aid in extreme cases and the contribution of troops to United Nations-led peacekeeping missions with strong mandates to protect civilians.

In addition, Governments and the United Nations should implement new, systemic procedures in order to best protect vulnerable civilians, especially women and children, in crises. When the international community has the will to help civilians, it often can. The action required could vary according to the specific protection needed by civilians who are caught in conflict; that does not always have to be military support. Diplomatic pressure, negotiated access and other steps can save lives and allow people to live with dignity.

The leadership of the Security Council in that regard is critical. It is the only body that can authorize action such as Operation Artemis in the Democratic Republic of the Congo, and that can be indispensable to saving lives. Such interventions are desperately needed. They are practical proof of the existence of a committed international community that seeks to protect civilians whenever they are threatened. Led by the current Secretary-General, Mr. Kofi Annan, the United Nations has paid more attention to the practicalities of protecting civilians in the past few years. Those steps are useful, but more work needs to be done.

Only humanitarian protection in conflict situations has the principal concern of preventing or mitigating the most damaging effects of war on civilians. It is concerned with the way conflict is conducted and the way people, including refugees and displaced persons, are treated. Humanitarian protection is therefore driven by the real threats faced by communities and individuals. Although protection such as that provided by Operation Artemis is crucial to the survival of civilians caught up in conflict, their sustained survival depends on humanitarian assistance. The independent and impartial provision of basic needs to a population is meant to be a key part of the international community's commitment to protect that population. Every civilian caught up in an armed conflict has the right to receive food, water, shelter and medical assistance. The international community has a responsibility to provide funding and to apply political pressure on warring parties to ensure that, despite the conflict, vital supplies reach the most vulnerable groups.

Not only are the current levels of spending and engagement inadequate, they are also not distributed according to the needs. An increasing number of donors are giving only to favoured crises. Humanitarian assistance is earmarked for certain countries and projects. That has to change. That application of double standards has left millions of children, women and men in need and without aid. Some emergencies are totally neglected. Today's single-minded focus on international terrorism steers international attention to a smaller number of crises. Action is therefore needed to deliver on commitments to guarantee the distribution of high-quality humanitarian assistance to all vulnerable populations, based on need and need alone.

Finally, Kenya recognizes the important role played by the United Nations in general and the Security Council in particular in addressing conflict, especially in Africa. That was recently demonstrated by the Security Council's visit to Nairobi, Kenya, to push forward the Sudan peace process in recognition of the suffering of millions of civilians in that conflict and in other African regional conflicts. The invaluable support that the United Nations has given to our regional organizations so that they can address these issues is highly appreciated. However, individual Governments, assisted by the international community, must also address the root causes of conflicts. It is crucial to establish early-warning mechanisms and take timely and appropriate steps.

The President (*spoke in Arabic*): I now give the floor to the representative of Honduras.

Mr. Suazo (Honduras) (*spoke in Spanish*): Allow me, Mr. President, to thank you for convening this public meeting on such an important issue and for this

opportunity to speak before the Council at such a crucial moment in the history of our Organization — a moment of change and united opinion. We express our full support for the institution we created in search of a better world for our children and for succeeding generations.

The question under consideration is of vital importance for the United Nations. We remember with deep respect the officials and personnel of this Organization who lost their lives helping civilian populations caught up in armed conflicts of a religious, ethnic, racial or political nature, who see in and expect of the United Nations a helping hand to protect them and ease their suffering.

These considerations inspire us, a founding Member of the Organization, to speak before the Council and, with our message, to raise awareness of the urgent need to protect and safeguard the lives of civilians and of the humanitarian personnel who strive to alleviate the suffering caused by war.

The best protection of the civilian population is the absence of war. Thus, the prevention of war should be a priority. This question has long been studied in the United Nations and by the Security Council. However, we have not been able to prevent war. The resulting humanitarian consequences have been devastating for the innocent — women, children and the elderly. Understanding the causes of conflict is today of urgent necessity.

Acts of violence and abuses against non-combatants are totally unacceptable as a strategy to break the spirit of peoples in countries in conflict. Such crimes are all the more heinous for being perpetrated against defenceless, subjugated persons.

The emblem of the United Nations therefore at times represents the only hope there is. Humanity, at this stage of its cultural evolution, rejects with indignation such criminal practices and strongly condemns their perpetrators, be they the individuals who commit the crimes or the States that tolerate them, because such conduct is considered the world over as inhuman and barbaric.

There must therefore be a strong response to such practices. We share the view that the Council must implement fully its resolutions, including resolution 1265 (1999) on the protection of civilians in armed conflict, as well as the recommendations contained in resolution 1325 (2000) relating, in particular, to the protection of women and to the inhuman acts of sexual violence perpetrated against them in times of conflict.

With respect to the role of the United Nations in peacekeeping operations, the Secretary-General, in speaking before the General Assembly on 8 December on the report (A/59/565) of the High-level Panel on Threats, Challenges and Change, entitled "A more secure world: Our shared responsibility", said:

> "United Nations staff serve in dangerous environments not for my satisfaction, nor yet for their own, but because you, the Member States, have decided that their work is needed there." (*A/59/PV.68*)

In addition, paragraph 239 of the Panel's report states that:

> "The ability of the United Nations to protect civilians and help end conflict is directly related to United Nations staff security, which has been eroding since the mid-1990s. To ... operate securely and effectively, the United Nations needs four things: the capacity to perform its mandated tasks fully, freedom from unwarranted intrusion by Member States into operations; full respect by staff of United Nations codes of impartiality; and a professional security service, with access to Member States' intelligence and threat assessments."

Attacks against humanitarian workers and United Nations staff represent serious violations. My delegation shares every one of the concerns of the Secretary-General as to the security of United Nations staff as a vehicle for achieving our ultimate goal, namely to protect the civilian population in conflict areas.

The provision of humanitarian assistance is considered essential to helping the civilian population. We believe, therefore, that there is an urgent need for effective coordination among the specialized agencies of the United Nations in the area of humanitarian assistance.

Political will is not enough; certain measures must be taken, and in that respect we recommend the establishment of a direct liaison office between the World Food Programme, the World Health Organization, the High Commissioner for Human Rights and the Department of Peacekeeping

Operations. That would make it possible to act more directly and effectively in a given conflict. This proposal is aimed at more effectively protecting and safeguarding populations at risk.

We listened carefully to Under-Secretary-General Egeland and to the proposals he made. All of them are deserving of our attention, particularly the 10-point platform, which advocates joint response mechanisms. One of the key actions should be aimed at predicting requirements in high-risk conflict areas. We hope that his next report, to be submitted in June, will highlight actions that can be taken immediately in terms of humanitarian assistance and coordination.

Chapter XII — entitled "Protecting civilians" — of the Panel's report states, in paragraph 233, that:

> "All combatants must abide by the provisions of the Geneva Conventions. All Member States should sign, ratify and act on all treaties relating to the protection of civilians, such as the Genocide Convention, the Geneva Conventions, the Rome Statute of the International Criminal Court and all refugee conventions."

Responsibilities are therefore shared at the national and international levels.

We deem it necessary to draw the attention of Council members, particularly the permanent members, to the need seriously to take into consideration, when setting up peacekeeping operations, the socio-economic conditions prevailing in Member States of the Organization.

The President (*spoke in Arabic*): I give the floor to the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): We welcome the presentation made this morning by the Emergency Relief Coordinator and very much appreciate his presence this afternoon during the debate.

Landmark decisions have been taken by this body over the past few years relating to the protection of civilians, in particular resolutions 1265 (1999) and 1325 (2000). The Secretary-General's 10-point platform for action offers the Council and other players a good basis for carrying out the necessary work to effectively ensure such protection. The full implementation of those texts would go a long way towards achieving that goal.

Prevention is the key aspect in the protection of civilians. It must be made clear that abuses against civilian populations, often carried out against their most vulnerable members, in particular women and children, are violations of international law that will not go unpunished. The States concerned have primary responsibility for holding the perpetrators of such crimes accountable, but, at the same time, crimes such as genocide, war crimes and crimes against humanity are of concern to the international community as a whole and thus to the Security Council, which represents the international community in matters of international peace and security.

An unequivocal and credible message that there will be no impunity, in any situation, for such crimes would have a strong deterrent effect and thus serve as a very useful tool of prevention. It is worth recalling that the Council has the authority, under the Rome Statute of the International Criminal Court, to refer situations to the Court, even in situations in which the State concerned has not subscribed to the Statute. We hope that the adoption of the relationship agreement between the United Nations and the International Criminal Court earlier this year will lead to effective and practical cooperation between the two organizations, and we welcome the emphasis that the High-Level Panel of the Secretary-General has placed on the role of the Court in general as well as on the Council's referral power in particular.

We also welcome the appointment of a Special Adviser for the Prevention of Genocide, which will serve as an early-warning instrument and thus assist us in fulfilling our obligation to prevent genocide. A regular formal and informal working relationship between the Adviser and the relevant intergovernmental bodies, that is, the Council, the General Assembly and the Commission on Human Rights, as well as with the Office of the High Commissioner for Human Rights, will allow for the optimal use of this new position within the United Nations system. Regular briefings by the Office of the United Nations High Commissioner for Human Rights and by holders of mandates under the special procedures established by the Commission on Human Rights could greatly contribute to the capacity of the Council both to effectively prevent abuses of civilian populations and to monitor the implementation of the relevant provisions of resolutions it has adopted.

The concept of the responsibility to protect has been endorsed by the High-level Panel as an emerging norm in the area of collective international responsibility. We welcome the emphasis given to this concept which has rightfully been playing an increasing role in the international discourse, and we look forward to further discussions thereon. The protection and well-being of civilian populations must remain the primary responsibility of the State concerned. However, where the inability or unwillingness of a State lead to massive and large-scale violations of international humanitarian and human rights law, with all their devastating human, social and economic consequences and their effects on international peace and security, the Council must become active in order to live up to its responsibility under the Charter.

While all perpetrators of abuses and violations against civilians must be held accountable, such abuses are especially appalling when they are committed by those who have the task of ensuring the very protection of a civilian population. Reports on such abuses committed by peacekeeping personnel are therefore most disturbing and need to be thoroughly investigated. Such incidents gravely jeopardize United Nations work in this area as well as in more general terms, and we therefore trust that the necessary steps will be taken to bring perpetrators to justice and to restore the full credibility of the Organization in that respect.

The President (*spoke in Arabic*): I now give the floor to the representative of Argentina.

Mr. D'Alotto (Argentina) (*spoke in Spanish*): My delegation wishes to thank you, Mr. President, for convening this open debate on the important question of the protection of civilians in armed conflict. We would like also to reiterate to the Secretary-General our appreciation for his fourth report on this matter (S/2004/431), as well as to express our support for the recommendations it contains.

The six months that have passed since the previous open Security Council debate on this item have witnessed the fulfilment of the most pessimistic forecasts on the situation of civilians in armed conflicts in various regions. Given that scenario, we would like to reiterate that no security issues can prevail over the primary responsibility of States to comply with the norms of international humanitarian law contained in the Geneva Conventions and their Additional Protocols. The fight against terrorism, a priority of the international community which my country shares, must be waged in respect for international law and human rights. We reaffirm our support for the Security Council's cooperation with the Office of the United Nations High Commissioner for Human Rights in promoting unfailing respect for human rights that are seen as inalienable, in a context in which, unfortunately, we continue to hear accusations of steady movement in the opposite direction. The obligation to respect the civilian population within the framework of international humanitarian law also extends to other non-State actors seeking international legitimacy, whatever the justness of their claims may be.

Attacks against civilian populations or other protected persons and the commission of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict can constitute a threat to international peace and security and require appropriate consideration and response by the international community. Here, we would like to recall that the Council has expressed its readiness in that regard to consider situations affecting refugees and internally displaced persons, and when necessary to take the necessary steps to create a secure environment for civilians endangered by conflict, as well as to consider the appropriateness and feasibility of establishing temporary security zones and corridors to protect civilians and provide humanitarian assistance.

In a significant number of conflicts, humanitarian personnel continue to face obstacles in discharging their tasks. Safe and unimpeded access by humanitarian personnel, including those locally recruited, to civilians in armed conflicts is essential. States affected by conflict as well as neighbouring States must cooperate with the United Nations to facilitate such access. We condemn the ongoing aggression that humanitarian personnel continue to suffer, and we advocate the expansion of the protection given under the 1994 Convention on the Safety and Security of United Nations and Associated Personnel as well as ensuring that the Convention become universal. We support efforts within the United Nations system to improve practical aspects of the safety and security of personnel, a matter currently being

considered by the Fifth Committee of the General Assembly.

As we reiterate our deep concern and condemnation of the harmful and widespread consequences of armed conflict on civilians, we must also refer specifically to the impact of armed conflict on women, children and other vulnerable groups. In this regard, it is crucial to adopt strategies to ensure broader implementation of resolution 1325 (2000), on women and peace and security, and resolution 1539 (2004), on children in armed conflict, among other relevant norms.

As noted in the Secretary-General's report, specific areas exist within a conflict on which action can be undertaken at the regional level to protect civilians. These include the question of refugees, illegal trade in natural resources, smuggling, disarmament and small arms trafficking. In that context, regional organizations may have a role of great value to play as they have a better understanding of the local difficulties and a more realistic perception of possible solutions. Here, we support the recommendation on the establishment of a framework within which the United Nations can engage more systematically with regional organizations on humanitarian issues such as protection and access.

During next year's debates on the occasion of the fifth anniversary of the Millennium Declaration, we will undoubtedly have an opportunity to analyse the question of the responsibility to protect. In that connection, we believe it necessary to give appropriate consideration to proposals contained in the report of the High-level Panel on Threats, Challenges and Change (A/59/565), entitled "A more secure world: our shared responsibility". At the same time, it is essential and relevant also to underscore the responsibility borne for military or other armed actions that harm civilian populations.

Just two weeks before we once again join the Council as a non-permanent member, Argentina would like to reiterate its commitment to the daily task of protecting civilians in armed conflict and to say that we stand ready to work within the Council to ensure full implementation of resolutions 1265 (1999) and 1296 (2000), bearing in mind the various tools that exist, such as the aide-memoire (S/PRST/2003/27, annex) and the 10-point platform of action, to ensure the effective protection of civilian populations and respect for their essential rights.

The President (*spoke in Arabic*): I call next on the report of Côte d'Ivoire.

Mr. Djangoné-Bi (Côte d'Ivoire) (*spoke in French*): I would like, Mr. President, to commend you and thank you for having taken the initiative of this public debate on the protection of civilians in armed conflict. The fact that you personally are presiding over this debate, Mr. Minister, reflects the importance that your country, Algeria, in particular, and Africa in general accord to this topic. I would also like to express by gratitude to the Secretary-General, who, through his periodic reports on this topic, has continued to focus the attention of the Security Council on the protection of civilians. We can never repeat too often that that issue is critical for the maintenance of international peace and security, which is the principal role of the Security Council. And finally, our thanks go also to Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. We were most grateful for the clarity and the comprehensive nature of his introductory briefing.

Upon the initiative of the Secretary-General, the United Nations has been more mobilized to protect civilians, especially since 1999. As he mentioned in his report contained in document S/2004/431, the Secretary-General initiated an agenda on the protection of civilians in armed conflict five years ago, long after the world silently witnessed genocide in Rwanda. Since then the Security Council, through its resolutions and on the basis of proposals made by the Secretary-General in his nearly annual reports on the subject under consideration today, has made a number of important commitments to the protection of civilians in armed conflict. The Council enshrined those commitments in the form of a 10-point platform and included them in resolutions 1265 (1999) and 1296 (2000). The Council also broadened the mandates of peacekeeping operations to include the physical protection of civilians under imminent threat of violence.

Lastly, in its field missions and its cooperation with regional organizations, the Council has demonstrated the importance it attaches to the issue and to the effective implementation by all parties to an armed conflict of the Council's pertinent resolutions. For its part, the Department of Peacekeeping

Operations, thanks to the excellent help spontaneously given by contributing countries, has been able to deploy peacekeeping forces more quickly to avert immediate crises with regard to protection, as well as to re-establish order.

Much more still needs to be done, however, despite the generous support of the United Nations system, which is developing a common and clear concept of the notion of protection, the strengthening of the general policy framework and coordination between United Nations agencies.

In considering the areas that the Council has identified as priorities in the protection of civilians, the Secretary-General has noted some lingering shortcomings and suggested more in-depth actions that he considers relevant. Côte d'Ivoire endorses his analysis, supports his recommendations and echoes his conclusions. In that connection, we would once again like to draw the Council's attention to the several following points.

First, there is a need for the United Nations to abandon the clichés born of previous conflicts that it mechanically applies to conflicts currently being resolved. A case in point is the presumed existence of hate media in my country, Côte d'Ivoire, without any specific evidence being presented for such a serious allegation. It is important that the Ivorian situation be put in its proper context. This is a case in which the media in rebel-held areas have been used for rebellious propaganda against the State, without eliciting any reaction whatever from the international community. Moreover, although in the Government of National Reconciliation the dossier of the Minister of State in charge of communications is held by a minister who comes from the rebellion, State media and newspapers in Government-held areas are banned from rebel-held areas, even though newspapers that defend rebel positions circulate freely in the Government-held area. This is a paradox that must be kept in mind before passing hasty judgements.

Secondly, in addition to warring parties, all parts and members of society should be represented so that there may be gender equality in peace processes and in order to establish a favourable climate for lasting peace.

Thirdly, peace agreements should include a commitment to proceed to disarmament, demobilization, reintegration and repatriation (DDRR) at the beginning of a peace process. By making it possible to begin as soon as possible efforts on behalf of women and children — who are usually the most disadvantaged and harmed members of civilian populations — DDRR programmes also contribute to the re-establishment and gradual strengthening of mutual trust.

Fourthly, as in the case of the conflict in Côte d'Ivoire, all of today's conflicts also have a regional dimension. Peace agreements should therefore be negotiated and implemented in that context. Efforts to strengthen peace after conflict should also be made regionally. That is not merely for the sake of regionalization itself, but because of the enormous need to place peace agreements in a regional context as the only way of giving such agreements a realistic chance of being implemented successfully through region-wide partnership, responsibility and solidarity. Those are all things that the Council's experience has taught it are irreplaceable.

Fifthly and lastly, the international community — and primarily the Security Council — should now reaffirm their dedication to the principles of international law, international humanitarian law and human rights, all of which are founded on justice, respect for human dignity and the dignity of nations, the prevention of conflict and the peaceful resolution of disputes and which favour the force of law and not the law of force. Côte d'Ivoire therefore reiterates its call to immediately integrate the forces of Operation Licorne into the United Nations Mission in Côte d'Ivoire, for reasons that have been put forth in recent correspondence to the President of the Council and the Secretary-General. Likewise, we once again note the urgent need for the Council to respond to our request to send an impartial international commission of inquiry to Côte d'Ivoire to look into the events that have taken place since the beginning of November. As the President is aware, those events have led to a chorus of allegations of shooting at unarmed civilians and bare-fisted protesters. All of us know the sad results of those events, namely, over 60 dead and more than 2,000 wounded.

In conclusion, I would like to draw the Council's attention to the fact that the protection of civilians in armed conflict is undoubtedly part of broader respect for international law, international humanitarian law, human rights and combating impunity. The obligation incumbent upon Member States to respect those

universal principles must not be a selective one. The credibility of the Organization depends upon it.

The President (*spoke in Arabic*): I now call on the representative of New Zealand.

Mr. MacKay (New Zealand): I would like to thank the President for calling and presiding over this open debate of the Council today.

I have the honour to speak on behalf of both New Zealand and Australia.

I would also like to thank Mr. Egeland for his sobering briefing this morning on the international situation regarding the protection of civilians. It is clear that there is a crisis in protection despite the existence of important international human rights instruments and international humanitarian law. The examples of the situation in Darfur, the ongoing conflicts in West Africa and violence in the Middle East are testament to the need for sustained and increased attention to this issue by the international community.

Others have spoken about the need for the United Nations and the international community to move towards a culture of protection. New Zealand and Australia share those views, and I would like to make just four specific points here today.

First, we continue to see too many violent and often fatal attacks deliberately targeting humanitarian workers, most of whom are unarmed civilians participating in United Nations missions in the field. In his fourth report on the subject, the Secretary-General highlighted that the safeguarding of humanitarian personnel is a key challenge for the United Nations. Regrettably, little has changed since that report was published.

Secondly, it is of great concern that those who carry out attacks against both civilians and humanitarian workers do so seemingly with impunity. The sad reality is that most of those responsible for such atrocities have not been brought to justice. A high degree of impunity has been allowed to exist because of delays in establishing, or indeed the failure to establish, appropriate criminal tribunals in which offenders can be brought to justice. Impunity allows those responsible to avoid being held to account for their actions, denies justice to the victims and their families and sends the message that the international community is not prepared to take action, even when the fundamental rights of humanity are breached.

New Zealand and Australia are strong supporters of the International Criminal Court. Since the adoption of the Rome Statute, we have worked closely with others to encourage its widespread ratification and implementation and to ensure recognition and respect for the Court in the United Nations and in the wider international arena.

The crucial role that the International Criminal Court will now play in dealing with genocide, war crimes and crimes against humanity cannot be overstated. The United Nations and its Member States must fully commit to establishing a culture of protection for civilians. To that end, all countries that have not yet done so are urged to accede to the convention establishing the International Criminal Court and to recognize its jurisdiction.

Thirdly, the scope of the Convention on the Safety of United Nations and Associated Personnel must be widened to cover all situations where United Nations and other associated personnel are engaged in peacekeeping, humanitarian and other assistance-related activities.

New Zealand and Australia remain committed to working towards ensuring that the international legal regime adequately meets the needs of personnel who form part of United Nations operations, and whose work, by its nature, renders them vulnerable to attack. We also stress, however, that it is vital for the integrity of the United Nations that the conduct of United Nations peacekeepers and United Nations missions is also beyond reproach in fulfilling the duty of protecting civilian populations.

Fourthly and finally, New Zealand and Australia welcome the report of the Secretary-General's High-level Panel on Threats, Challenges and Change, and its focus on effectively addressing the range of threats to global security. The Panel's recommendations on internal threats and the responsibility to protect are timely, and we urge Council members and the wider United Nations membership to give them serious consideration.

As strong advocates of multilateralism and the rule of law, New Zealand and Australia support the concept of the responsibility to protect as a good basis for developing a new consensus on international action

within a United Nations framework in order to prevent, or to respond effectively to, situations of extreme suffering. Gross and systematic violations of human rights anywhere are a threat to the security of us all and cannot be tolerated.

The President (*spoke in Arabic*): I now call on the representative of Colombia.

Mrs. Holguín (Colombia) (*spoke in Spanish*): Allow me to begin by congratulating you, Mr. President, on your assumption of the presidency of the Security Council, and for presiding over this important debate. We are also grateful to Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, for his valuable briefing on the issue of the protection of civilians in armed conflict.

My Government believes it important that multilateralism should strengthen States, not weaken them. It is only with strong States that multilateralism can take on life. Under other conditions, it becomes a system for only a few, and the benefits of a multilateral organization that represents the interests and positions of all its members are lost.

The United Nations, its main organs and its Member States have to work together to strengthen States and their institutions and support governmental programmes to meet the needs of their populations, in particular during conflict situations. That is the only way to achieve the sustainable economic, social and political development of nations.

In that regard, there are several concepts — among them, humanitarian intervention and the responsibility to protect — that should be managed carefully and responsibly. Humanitarian assistance efforts must be undertaken with the full cooperation, coordination and consent of the Government as that is the only way such efforts will be efficient and productive, and able to ensure the protection of the civilian population and humanitarian personnel.

Colombia reiterates once more its steadfast commitment to promote, respect and protect the civilian population, in accordance with its conviction, protected by the law, that the State is responsible for the protection of its population.

In accordance with this national commitment, the Government of President Alvaro Uribe is working tirelessly, and concrete achievements are starting to appear. The rate of internal displacement has declined by 48 per cent and the attention accorded to the displaced population is becoming more efficient every day. The resources devoted to the care of the vulnerable population have been multiplied by eight. The budget of the Social Solidarity Network, the institution in charge of providing this care, has grown from $14 million in 2002 to $120 million for 2005. More than 70,000 people have benefited from voluntary return, and we are working to consolidate peace in the regions to achieve further substantial and voluntary returns.

As part of its National Plan of Assistance to Displaced Populations, the Government is working on a humanitarian plan that will be implemented with the United Nations system and the donor community. Colombia has already appropriated resources for that Plan, which is the first involving the active participation of the United Nations. Therefore, we have an enormous responsibility to create a constructive and effective plan, since it sets a precedent for other Member States of the Organization.

The 1.55 million internally displaced persons is a number that alarms the Government, since we believe that there should not be even one displaced person. That is why we are taking measures and promoting policies to benefit the displaced population. The Government is responding to that challenge within its national capacity and welcomes the international community's joining in that effort. In that regard, we express our gratitude to the Office for the Coordination of Humanitarian Affairs (OCHA) for its work and for its efforts to find additional resources to support our plan.

Colombia hopes for a generous response from the donor community and the United Nations system to help support the projects set up by common agreement with civil society and the local and regional authorities in an open-ended and transparent consultation process that took place during the year.

Colombians know very well the suffering and the effects of conflicts and terrorist threats on the civilian population. Our knowledge of the situation has prompted us to take concrete action to improve and normalize the lives of the civilian population.

In addition, Colombia welcomes the generous actions of non-governmental organizations, the International Committee of the Red Cross (ICRC) and the United Nations system to ease and improve the

situation of the civilian population including the displaced and ex-combatants. The demobilized population — individually and collectively — of the illegal armed groups totalled 7,601 ex-combatants as of November 2004. In December there will be an additional 3,000 demobilized persons. That population also requires special assistance, and the international community can contribute towards their effective transition to civil life. Their economic reintegration and education are some of the main challenges to assuring a sustainable demobilization process.

In Colombia, the ICRC has essential work to do and has unimpeded and secure access to the civilian population. The United Nations system is present throughout the country under secure conditions — including in zones where military strategies are being developed — and is able to undertake its activities in accordance with its respective mandates. Colombia promotes that unimpeded access, the sole objective of which is to assist the affected population. Such assistance is given with respect for the basic principles governing humanitarian assistance.

As much as we favour access to the population to help meet its needs, we reject any condition that links humanitarian access with dialogue with the illegal armed groups. We do not believe that to achieve effective humanitarian assistance, dialogue with such groups is required. Negotiations under the umbrella of a humanitarian cause can be used for political and destabilizing goals, the very objectives of the illegal armed groups. That would mean the end of humane, impartial and neutral humanitarian assistance. That is why the national Government, in the exercise of its full sovereignty, is the sole entity with the authority to enter into negotiations with illegal armed groups. Furthermore, the Government is entitled to request facilitators when it believes that their work can strengthen the quest for peace.

Colombia is a strong State with solid democratic institutions and an active, organized civil society. The entire nation is determined to deal with the perpetrators of violent acts, and the Government is responding to that clear mandate from the people. Thus, in accordance with international humanitarian law, humanitarian assistance must respect the dynamics of the State in overcoming violence and restoring peace in the region. We believe that it is important to acknowledge the specific characteristics of each situation. Generalizations, cookie-cutter mechanisms and one-size-fits-all solutions should not be applied to these types of situations.

We also believe that humanitarian assistance must be provided in consonance with its own principles. We believe that international humanitarian law cannot be reinterpreted in a way that would deviate from its spirit and letter; nor should it be mixed with other judicial structures.

Allow me to conclude by calling for unity among concerned States, donor countries, the United Nations system, humanitarian organizations and civil society, so that they can work together on the important task of delivering humanitarian assistance in a concerted and coordinated manner. We all share a firm commitment to protect and assist civilians affected by conflicts, terrorism and violence. We understand the concerns of all stakeholders working in the field of humanitarian assistance to bring timely and efficient assistance and protection to civilians. The Government of Colombia, more than any other stakeholder, is devoted to finding a solution to the situation of civilian populations affected by violence.

The President (*spoke in Arabic*): I now give the floor to Mr. Egeland to respond to comments and questions raised.

Mr. Egeland (*spoke in French*): Mr. President, thank you once again for your presence here and for this significant debate. I would like to express my appreciation to Security Council members and to all others who have spoken for their dedication to the protection of civilians in armed conflict. I am greatly encouraged by the ongoing interest that the Council has expressed during this meeting. A number of speakers have emphasized the critical role of civilian protection in their activities, and we are very grateful for that. I am also very touched by the unanimous support for the road map, as represented by the 10 action points.

(*spoke in English*)

I am also pleased that the Council shares the common view that properly meeting protection needs is fundamental to the achievement of international peace and security and the Millennium Development Goals. The review in September next year will provide an important opportunity to move forward concretely, and I will therefore wish to have developed, in advance of the review, concrete proposals and actions that can

contribute to strengthening the framework within which we operate.

Speakers have rightly pointed out that the picture presented today has been a bleak one. We agree on the problems and on the fact that we have not taken adequate action to address those problems. The future now depends on our ability to take this consensus forward and to translate it into tangible results. Such an operationalization of our commitment to the protection of civilians can result only from a joint effort.

Many Council members, including Pakistan, France, Germany and the United Kingdom, as well as the European Union, underlined the critical importance of better coordination of the protection response, particularly in the field. I will report to the Council in June on the message that we have been able to implement in response to these calls.

Many speakers, including Canada, Nigeria, the United States of America, Japan and Switzerland rightly underlined that attention must be directed towards holding military and political leaders accountable for their acts. The climate of impunity for attacks against civilians and humanitarian workers is intolerable. Our question, therefore, is how, concretely, we can end impunity, and the answer clearly is, by using individually targeted sanctions, by initiating criminal investigations, by referring cases to the International Criminal Court and by robustly and swiftly deploying police, security forces and judicial support structures to crisis areas.

If the Security Council is to act effectively in the support of the protection of civilians, it needs to be properly and regularly informed. In this context, I welcome the willingness of a number of members of the Council to request more briefings on the protection of civilians and on country-specific situations as they arise. Their invitation to me to brief the Council on Darfur, northern Uganda and other issues earlier this year clearly helped to bring attention and resources to those neglected emergencies. We have taken note of the many excellent suggestions made here today and will incorporate them into the action programme for the next briefing. I also welcome the support expressed for an enhanced information reporting mechanism, on which I will report to the Council in June.

The Permanent Representative of the Philippines asked for a periodic assessment of the progress made by the various United Nations organs and agencies in the discharge of their mandates in the area of the protection of civilians, using the road map and other tools. I will respond to that request in conjunction with my agency colleagues.

I also welcome the unanimous concern expressed in the debate on the issue of sexual and gender-based violence against women and children and the recognition of the need for measures to deal more effectively with that problem. This is an urgent issue on which we must take immediate action. First of all, I would hope that there is sufficient international commitment over the next six months to specifically address the difficult issue of impunity and to transform the principle of individual responsibility into a reality. For our part, where such violence is taking place, we will work with our colleagues in the agencies to establish more detailed and systematic reporting to facilitate appropriate action. Further actions are already being taken to ensure that all individuals working under the United Nations flag, whether civilian or military personnel, never abuse or exploit the civilians they are sent to protect. Clearly, great efforts must be devoted to internally addressing this extremely important protection concern in our Organization.

We need to recognize the limits of the humanitarian organizations' own ability to provide protection to civilians. For that reason, I fully acknowledge that more must be done to develop national and local capacities for protection. We must also find the means to better develop and draw upon the support that can be given by regional organizations such as the African Union. That too will require the active support of Security Council members.

A number of Security Council members also underlined today the importance of engagement with non-State entities in order to secure access to and protection for civilians in areas under their control or when non-State armed groups actively target civilians. As many speakers pointed out, when non-State armed groups control or influence access to populations in need of humanitarian assistance or actively target civilians, the humanitarian imperative may demand our engagement with them. Clearly, any engagement with non-State armed groups must be conducted mutually and impartially in a manner that does not in any way legitimize the armed group concerned.

(*spoke in Spanish*)

Several speakers, including Spain, China, New Zealand and others, said that they give full support to our humanitarian work and underlined the need for us to better protect our humanitarian workers in the field. We cannot tolerate further attacks against our staff on the ground. More killings of humanitarian workers in Darfur or in other places of humanitarian crisis would immediately lead to paralysis of our work, resulting in hunger, epidemics and thousands of deaths. We hope to continue the dialogue with the Council on how to confront and put an end to this security crisis for humanitarian personnel, including by taking immediate actions to identify and prosecute those who are responsible.

(*spoke in English*)

It is very positive to have today an agreed vision of the problems and the actual situation in crisis areas. Our main challenge, now and in our future work, is to agree on what we should specifically do to protect civilians and save lives, how we should make our response more operational, what actions should be taken by whom, etc. It is only by focusing on how to operationalize our response that we will be able to return to the Council in June with a report that, I hope, will provide an indication of more positive trends and fewer negative ones.

Finally, I wish to express my gratitude to the Algerian presidency of the Security Council for its leadership on this critically important issue. I particularly welcome the initiative of the President in leading the negotiations on a new presidential statement on the protection of civilians in armed conflict. I trust that, once endorsed, that presidential statement will reinforce our ongoing efforts to make a tangible difference in the lives of the millions of men, women and children who are in desperate need of our protection.

The President (*spoke in Arabic*): I thank Mr. Egeland for the clarifications and answers he has provided.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council has considered the matter of protection of civilians in armed conflict. The Council recalls all its relevant resolutions, in particular resolution 1265 (1999) of 17 September 1999 and resolution 1296 (2000) of 19 April 2000 on the protection of civilians in armed conflict, as well as statements by its Presidents, and reiterates its commitment to address the widespread impact of armed conflict on civilians.
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> "The Security Council reaffirms its strong condemnation of all acts of violence targeting civilians or other protected persons under international law. The Council is gravely concerned that civilians are increasingly targeted by combatants and armed elements during armed conflict, in particular women, children and other vulnerable groups, including refugees and internally displaced persons, and recognizes the negative impact this will have on durable peace and national reconciliation. The Council also reaffirms its condemnation of all incitements to violence against civilians in situations of armed conflict, in particular the use of media to incite hatred and violence. The Security Council urges all parties to armed conflict, including non-State parties, to put an end to such practices.
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> "The Security Council reiterates its call to all parties to armed conflict, including non-State parties, to comply fully with the provisions of the Charter of the United Nations and with rules and principles of international law, in particular international humanitarian law and, as applicable, human rights and refugee law, and to implement fully the relevant decisions of the Security Council. The Security Council recalls the obligations of all States to ensure respect for international humanitarian law, including the four Geneva Conventions, and emphasizes the responsibility of States to end impunity and to prosecute those responsible for genocide, war crimes, crimes against humanity and serious violations of humanitarian law. It further calls on all States which have not already done so to consider ratifying or acceding to major instruments of international humanitarian, human rights and refugee law, and to take appropriate measures to implement them.
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> "The Security Council underlines the importance of safe and unhindered access of humanitarian personnel and assistance to civilians in armed conflict in accordance with international law. The Security Council reiterates its call to all

parties to armed conflict, including non-State parties, to take all necessary measures to ensure security and freedom of movement of United Nations and associated personnel as well as personnel of humanitarian organizations. The Security Council condemns all attacks targeting United Nations personnel and other humanitarian workers, and underlines that the perpetrators of such attacks must be held accountable as outlined in its resolution 1502 (2003) of 26 August 2003. The Security Council underscores the importance for humanitarian organizations to uphold the principles of neutrality, impartiality, humanity of their humanitarian activities and independence of their objectives.

"The Security Council recognizes the importance of a comprehensive, coherent and action-oriented approach, including in early planning, of protection of civilians in situations of armed conflict. It stresses, in this regard, the need to adopt a broad strategy of conflict prevention, which addresses the root causes of armed conflict in a comprehensive manner in order to enhance the protection of civilians on a long-term basis, including by promoting sustainable development, poverty eradication, national reconciliation, good governance, democracy, the rule of law and respect for and protection of human rights. It encourages further cooperation and coordination between Member States and the United Nations system. The Council, moreover, recognizes the needs of civilians under foreign occupation and stresses further, in this regard, the responsibilities of the occupying Power.

"The Security Council, recognizing the regional dimensions of certain armed conflict, stresses the need for regional cooperation in order to address cross-border issues such as disarmament, demobilization, reintegration and rehabilitation, cross-border movement of refugees and combatants, human trafficking, illicit flow of small arms and illegal exploitation of natural resources and post-conflict situations. It encourages regional and sub-regional organizations to develop, as appropriate, a regional protection strategy and provide for a coherent and strong framework for addressing protection issues. The Council welcomes the steps taken by regional organizations in this regard and requests the United Nations system and other international organizations to provide them with the necessary support, and to consider means for the reinforcement of national capacities. The Council takes into account, in this regard, the Secretary-General's recommendation regarding the establishment of a framework within which the United Nations could engage with regional organizations more systematically on humanitarian issues related to protection and access and better address those issues at the regional intergovernmental level.

"The Security Council strongly condemns the increased use of sexual and gender-based violence as a weapon of war, as well as the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them. The Security Council underlines the vulnerability of women and children in situations of armed conflict, bearing in mind in this regard its resolutions 1325(2000) on women, peace and security and 1539(2004), as well as all other resolutions on children and armed conflict, and recognizes their special needs, in particular those of the girl-child. It stresses the importance of developing strategies aimed at preventing and responding to sexual and gender-based violence, through the improvement in the design of peacekeeping and assessment missions by, inter alia, the inclusion of gender and child protection advisers. It stresses also the importance of women and children subject to exploitation and sexual violence receiving adequate assistance and support.

"Mindful of the particular vulnerability of refugees and internally displaced persons, the Council reaffirms the primary responsibility of States to ensure their protection, in particular, by preserving the civilian character of camps of refugees and internally displaced persons and to take effective measures to protect them from infiltration by armed groups, abduction and forced military recruitment.

"The Security Council reaffirms its readiness to ensure that peacekeeping missions are given suitable mandates and adequate resources so as to enable them to better protect civilians under imminent threat of physical

danger, including by strengthening the ability of the United Nations to plan and rapidly deploy peacekeeping and humanitarian personnel, utilizing the United Nations Standby Arrangements System, as appropriate.

"The Council considers that a coherent and integrated approach to disarmament, demobilization, reintegration and rehabilitation of ex-combatants, which takes into account the special needs of child soldiers and women combatants, is of crucial importance for a sustained peace and stability. The Council reaffirms the need for the inclusion of these activities in the mandates of United Nations peacekeeping operations and emphasizes the importance of resources being made available for such activities.

"The Security Council is concerned by the growing problem of humanitarian emergency situations while funding and resources do not match requirements. It urges the international community to ensure adequate and timely funding in response to humanitarian need across crises so as to provide sufficient humanitarian assistance in alleviating the suffering of civilian populations, in particular those in areas affected by armed conflict or emerging from a situation of conflict.

"The Security Council expresses its appreciation for the efforts of the United Nations agencies, regional organizations, international humanitarian organizations and other relevant actors aimed at raising international awareness of the suffering of civilians in armed conflicts, including refugees and internally displaced persons, and considers such efforts as a key element for the promotion of a culture of protection and for the building of international solidarity with the victims of armed conflict.

"The Security Council invites the Secretary-General to continue to refer to it relevant information and analysis where he believes that such information or analysis could contribute to improving its work on the protection of civilians in armed conflict, and to continue to include in his written reports to the Council on matters of which it is seized, as appropriate, observations relating to the protection of civilians in armed conflict. In this context, the Security Council reiterates the importance of the aide-memoire annexed to the statement by its President (S/PRST/2002/6), as well as the road map for the protection of civilians in armed conflict, as a practical tool for dealing with protection issues.

"The Security Council notes the submission of the report of the Secretary-General on the protection of civilians in armed conflict of 28 May 2004 (S/2004/431), which examines the ten-point platform, and requests him to submit by 28 November 2005 his next report, and to include in that report information on the implementation of Security Council resolutions previously adopted on this subject, as well as any additional recommendations on ways the Council and other organs of the United Nations, acting within their respective spheres of responsibility, could further improve the protection of civilians in situations of armed conflict."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2004/46.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.55 p.m.